

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-cv-00420-BO**

\_\_\_\_\_  
JOHNNY THOMAS ORTIZ II, *et al.*,

Plaintiffs,

JUSTICE FOR ALL PARTY OF NORTH  
CAROLINA, *et al.*,

Intervenor-Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS, *et al.*,

\_\_\_\_\_  
Defendants.

**INTERVENOR-PLAINTIFFS’  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**  
Fed. R. of Civ. P. 15(a)

Pursuant to Federal Rule of Civil Procedure 15(a), Intervenor-Plaintiffs Justice for All Party of North Carolina, Dr. Cornel West and Italo Medelius (collectively, “JFA”) respectfully move for leave to file their First Amended Complaint for the limited purpose of asserting claims JFA could not have pleaded in its original Complaint. Specifically, JFA seeks to assert a First Amendment challenge to regulations the Board adopted on July 1, 2025, which establish additional procedures for qualifying as a new political party under North Carolina law, and to the “purpose and intent” requirement set forth in N.C.G.S. § 163-96(b), the provision on which Defendant North Carolina State Board of Elections (“the Board”) primarily relied to deny certification of JFA as a new political party in 2024.

As set forth in the accompanying memorandum in support of this Motion, JFA easily satisfies the standard for granting leave to amend under Rule 15(a). This case is at an early stage of proceedings – the Board has not filed a responsive pleading and the parties have not taken any

discovery. JFA's Motion is also timely – the Court has not entered a final ruling on the merits or judgment and the regulations JFA seeks to challenge took effect only three weeks ago. Consequently, the filing of JFA's proposed Amended Complaint will not prejudice the Board. On the contrary, JFA seeks leave to amend in good faith to assert claims that could not have been included in its original Complaint. Finally, JFA's proposed amendment is not futile because it states a well-pleaded First Amendment challenge to the Board's newly-enacted rules and the purpose and intent requirement.

Pursuant to Local Civil Rule 15.1, JFA submits herewith a copy of its proposed First Amended Complaint and a copy of its original Complaint indicating in what respect it differs from JFA's initial pleading.

Dated: July 25, 2025

Respectfully submitted,

/s/Oliver B. Hall  
Oliver B. Hall  
CENTER FOR COMPETITIVE DEMOCRACY  
P.O. Box 21090  
Washington, D.C. 20009  
202-248-9294  
oliverhall@competitivedemocracy.org  
D.C. Bar No. 976463  
Attorney for Intervenor-Plaintiffs

Christopher R. Lusby  
Lusby Law PA  
2860-A Ward Blvd  
Wilson, NC 27893  
252-221-3223  
www.lusbylaw.com  
State Bar No: 52274  
Local Civil Rule 83.1(d) Attorney for  
Intervenor-Plaintiffs

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2025, the foregoing document was filed using the Court's CM/ECF system, which will effect service upon all counsel of record.

/s/Oliver B. Hall

Oliver B. Hall